

ORDINANCE NO. 2018-9

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A SETTLEMENT AGREEMENT BETWEEN MICHELLE L. SETLOCK AND THE CITY OF KENT TO RAZE THE STRUCTURE KNOWN AS 210 HARRIS STREET, KENT, OHIO, WITH THE FUNDS BEING PROVIDED BY THE PORTAGE COUNTY LAND REUTILIZATION CORPORATION, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to enter into a Settlement Agreement with Michelle L. Setlock to raze the structure known as 210 Harris Street, Kent, Ohio because it is considered uninhabitable; and

WHEREAS, Portage County Land Reutilization Corporation will provide the funds for razing the structure known as 210 Harris Street, Kent, Ohio in order to help municipalities in abating insecure, unsafe or structurally defective structures that they have declared to be a public nuisance by causing such structures to be removed at no cost to the municipality.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby authorize the City Manager, or his designee, to enter into a Settlement Agreement between Michelle L. Setlock to raze the structure known as 210 Harris Street, Kent, Ohio with the funds being provided by Portage County Land Reutilization Corporation, and is more fully described in Exhibit "A" attached hereto and incorporated herein.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: January 17, 2018
Date

J. Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: January 17, 2018
Date

ATTEST: Tara Grimm
Tara Grimm, CMC
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

TARA GRIMM, CMC
CLERK OF COUNCIL

(SEAL)

EXHIBIT "A"

Exhibit A

Situated in the City of Kent, County of Portage and State of Ohio: and known as being 80 feet off the west end of lots 87 and 88 in Henry Ainsworth's Addition to the City of Kent, as the same is platted and recorded in Deed Book 88, Page 43, Portage County Records of Plat.

Parcel ID: 17-007-10-00-017-000

Address: 210 Harris Street, Kent, OH 44240

EXHIBIT "A"

Exhibit B

SETTLEMENT AGREEMENT

This Settlement Agreement is made effective as of the date of execution hereof by the last party to sign by and between the CITY OF KENT, OHIO, 319 S. Water Street, Kent, Ohio and Michelle L. Setlock (hereinafter, "Property Owner"), with a mailing address of 947 Middlebury Road, Kent, OH 44240.

WITNESSETH:

WHEREAS the PROPERTY OWNER owns property at 210 Harris Street, Kent, Ohio 44240 (Parcel # 17-007-10-00-017-000) (hereinafter, "the premises"); AND

WHEREAS the building official for the CITY OF KENT, OHIO has determined that the structure located at the premises is uninhabitable; AND

WHEREAS the CITY OF KENT, OHIO and the PROPERTY OWNER agree that the structure located at the premises constitutes blight as defined in Ohio Revised Code Chapter 1.08; AND

WHEREAS both the CITY OF KENT, OHIO and PROPERTY OWNER desire to take advantage of available grant funding, or programs offered by the Portage County Land Reutilization Corporation (PCLRC), which provides funds for razing blight; AND

WHEREAS the PROPERTY OWNER has had the opportunity to review this matter, including the terms of this Agreement, with legal counsel; AND

THEREFORE, in consideration of the above recitals and covenants and promises hereunder set forth, and for other good and sufficient consideration, the CITY OF KENT, OHIO and PROPERTY OWNER agree to the following:

THAT the CITY OF KENT, OHIO, or its designee, may take all steps necessary to raze the structure at the designated premises, including:

1. Negotiating with any other lien holders on the property to facilitate the razing of the premises; AND
2. Authorizing the CITY OF KENT, OHIO, building official, the PCLRC, or their designee(s), to inspect the property, engage in asbestos mitigation, and any other activity necessary to facilitate razing the premises; AND

FURTHER, the CITY OF KENT, OHIO will attempt to utilize funds from available grant funding, or programs offered and implemented by the Portage County Land Reutilization Corporation, to cover the expenses for razing the structure at the premises; AND

EXHIBIT "A"

Exhibit B

FURTHER, the CITY OF KENT, OHIO will NOT place a lien on the premises for any expenses incurred relative to the razing of the structure at the premises; AND

FURTHER, the CITY OF KENT, OHIO will not file a legal action filed in the Portage County Common Pleas Court; AND

FURTHER, the PROPERTY OWNER will be required to continue to maintain the property for the duration of their ownership in accordance with all applicable Kent Codified Ordinances (KCO), including KCO 119.05 "Uncut Grass or Weeds".

PROPERTY OWNER
Michelle L. Setlock

BEFORE ME, A Notary Public, personally appeared _____, who acknowledges that he/she did sign the foregoing SETTLEMENT AGREEMENT and that the same is his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at _____ County, _____, this _____ day of _____, 2017.

Notary Public

Bridget O. Susel,
Community Development Director
City of Kent

Date

Witness